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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,946	02/26/2002	Alfred J. Longhi JR.	1860-00400	5017

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CONLEY ROSE, P.C.
P. O. BOX 3267
HOUSTON, TX 77253-3267

EXAMINER

MAPLES, JOHN S

ART UNIT PAPER NUMBER

1745

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,946

Applicant(s)

LONGHI ET AL.

Examiner

John S. Maples

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 65-70 and 75-101 ~~is/are~~ are pending in the application.
- 4a) Of the above claim(s) 81-87 ~~is/are~~ are withdrawn from consideration.
- 5) ☒ Claim(s) 65-70, 75-80 and 88-101 ~~is/are~~ are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Other: Reasons for Allowance.

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1. Applicant's election with traverse of Group II in the reply filed on August 23, 2004 is acknowledged. The traversal is on the grounds that there is no additional burden on the examiner to examine the other claims in Groups I and III and that the search for Group II would overlap the search for the other groups. This is not found persuasive because there indeed would be serious burden on the examiner to examine all of the claims in the present application. More specifically, the applicant argues that the limitations of claim 81 (Group III) are so similar to that of claim 75 that the searching of the two claims would not put serious burden on the examiner. The examiner respectfully disagrees. The subject matter in claim 81 is substantially different than that in claim 75. For example, claim 81 requires cutting of the each of the wrapped cells during each respective winding step; which steps are not part of the Group I claimed subject matter. In addition, claim 81 requires the cells to lay flat and have a substantially rectangular shape; again elements not part of the Group II subject matter. It is true, as applicant has pointed out that there is some overlap in the subject matter of Group II with claim 81, however for the reasons presented previously, the groups are distinct.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-24 and 81-87 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

3. The specification is objected to because of the use of the word "shooing" or "shooped" found on pages 14, 17, 18 and 23 of the present specification. It is unclear what this word means in regard to applicant's wound battery cell.

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4. The applications set forth on both pages 9 and 15 should be updated to show their most recent status.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

JP-1-276567 teaches a wound battery cell that is cut into several stacked cells.

6. The following is an examiner's statement of reasons for allowance: none of the prior art of record teach the method of wrapping a plurality of turns of a battery to make a wound cell; cutting the wound cell to form a stacked battery and then removing a portion of the length of the stacked cell to adjust the amperage of the stacked battery. The closest prior art, JP-1-276567 does not disclose the removing of a portion of the stacked battery to adjust the amperage of the battery cell, nor would it have been obvious to have removed a portion of the battery cell to adjust the amperage.

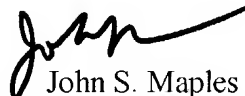
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John S. Maples whose telephone number is 571-272-1287. The examiner can normally be reached on Monday-Thursday from 6:15-3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John S. Maples
Primary Examiner
Art Unit 1745

JSM/9-7-2004